

The Honorable James L. Robart
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Wilman GONZALEZ ROSARIO, et al.,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, *et al.*,

Defendants.

Case No. 2:15-cv-00813-JLR

JOINT STIPULATED MOTION AND
ORDER REGARDING SCHEDULING OF
MOTION FOR ATTORNEYS' FEES
UNDER THE EQUAL ACCESS TO
JUSTICE ACT

NOTE ON MOTION CALENDAR:
June 1, 2020

After mediation, the Ninth Circuit dismissed Defendants' appeal on Defendants' motion, leaving the issue of attorneys' fees outstanding. COA Dkt. 50 (May 5, 2020). The Parties are currently engaged in discussions regarding the resolution of attorneys' fees. As noted in the Ninth Circuit's order, the attorneys' fee petition may be filed in District Court.

In order to facilitate possible settlement, preserve judicial resources and reduce costs, but still meet statutory deadlines, the Parties stipulate and jointly ask the Court to permit Plaintiffs to file a "skeletal" motion for attorneys' fees and costs pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), with supplemental filings and briefing permitted should the parties not settle the matter. Counsel for Plaintiffs have pursued this route with

judicial approval in other cases. *See, e.g., Ortega v. Bonnar*, 3:18-cv-03228-WHO (N.D. Cal., March 2, 2020) (Exh. A).

Accordingly, the parties to the above-referenced action, by and through their undersigned counsel of record, hereby STIPULATE, AGREE, and JOINTLY REQUEST:

- (1) To encourage resolution of this matter but preserve statutory deadlines, Plaintiffs may file a “skeletal” motion for attorneys’ fees and costs pursuant to the Equal Access to Justice Act (“EAJA”) by June 4, 2020 and note the motion for September 11, 2020.
- (2) Should the parties not settle the matter, Plaintiffs may file a renewed motion with full argument and supporting documentation by September 2, 2020. In such case, the parties will meet and confer regarding a stipulated briefing schedule. Respondent reserves all arguments and defenses as to Plaintiffs’ fee motion.
- (3) The parties further stipulate that Plaintiffs will not seek fees for the drafting and filing of this stipulation and the skeletal motion. Plaintiffs agree not to seek attorneys’ fees on future hours spent negotiating the fee issue during the pendency of the skeletal motion.

Respectfully submitted this 1st day of June, 2020.

/s/ Christopher Strawn

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Stipulated Motion and Order Regarding
Attorneys’ Fees Motion
Case No. 2:15-cv-00813-JLR

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UNITED STATES CITIZENSHIP AND
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Defendants.

ORDER

Pursuant to the Parties' stipulation, IT IS SO ORDERED:

- (1) To encourage resolution of this matter but preserve statutory deadlines, Plaintiffs may file a "skeletal" motion for attorneys' fees and costs pursuant to the Equal Access to Justice Act ("EAJA") by June 4, 2020 and note the motion for September 11, 2020.
- (2) Should the parties not settle the matter, Plaintiffs may file a renewed motion with full argument and supporting documentation by September 2, 2020. In such case, the parties will meet and confer regarding a stipulated briefing schedule. Respondent reserves all arguments and defenses as to Plaintiffs' fee motion.
- (3) The parties further stipulate that Plaintiffs will not seek fees for the drafting and filing of this stipulation and the skeletal motion. Plaintiffs agree not to seek attorneys' fees on future hours spent negotiating the fee issue during the pendency of the skeletal motion.

Dated this 3rd day of June, 2020.


The Honorable James L. Robart
United States District Judge

Stipulated Motion and Order Regarding
Attorneys' Fees Motion Case No. 2:15-
cv-00813-JLR